

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

LISA M. JONES-MASON,

Appellant,

v.

TRYSTONE CAPITAL ASSETS., LLC,

Appellee.

Civil Action No. 23-3470 (RK)

**MEMORANDUM ORDER**

**THIS MATTER** comes before the Court upon a notice of appeal from the Bankruptcy Court on June 27, 2023 filed by Appellant Lisa M. Jones-Mason. (ECF No. 1.) Appellant appeals from the Bankruptcy Court’s June 8, 2023 “Order Granting [Respondent] Trystone’s Motion to Dismiss, Denying Debtor’s Motion for Summary Judgment, and Scheduling a Hearing on Debtor’s Motion Seeking a Preliminary Injunction.” (ECF No. 1-2.) Appellant did not file a designation of record within fourteen days as required by Federal Rule of Bankruptcy Procedure 8009.

On July 28, 2023, the Deputy Clerk of the United States Bankruptcy Court for the District of New Jersey filed a “Certification of Failure to File Designation of Record.” (Adv. Pro. Case No. 23-1093, ECF No. 45.)<sup>1</sup> The Bankruptcy Court granted Appellant’s request to voluntarily dismiss the underlying bankruptcy proceeding on October 10, 2023, (Bkr. Case No. 22-13530, ECF No. 97), and dismissed Appellant’s adversary proceeding, in which the order she now appeals was entered, on November 3, 2023, (Adv. Pro. Case No. 23-1093, ECF No. 77). On February 5,

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<sup>1</sup> The Certification of Failure to File Designation of Record was filed on the Bankruptcy Court’s docket, along with a notation that the Certification was transmitted to the District Court. (Adv. Pro. Case No. 23-1093, ECF Nos. 45, 46.) However, the Certification was not entered on the District Court’s docket. Regardless, Appellant received notice of the Certification through her participation in the proceedings before the Bankruptcy Court.

2024, this Court issued an Order to Show Cause requiring Plaintiff to show in writing by February 15, 2024, why her appeal should not be dismissed for failure to file a designation of record and statement of the issues to be presented in accordance with Federal Rule of Bankruptcy Procedure 8009 or to otherwise prosecute this appeal. (ECF No. 2.)

To date, Appellant has failed to file a designation of record on appeal, respond to this Court's Order to Show Cause, or otherwise prosecute her appeal. Federal Rule of Bankruptcy Procedure 8003 permits the District Court to dismiss an appeal if an appellant fails to "take any step" required by the Rules. Appellant here has failed to file the designation of record for over five months despite the Court's order for her to do so. Therefore,

**IT IS** on this 20<sup>th</sup> day of February, 2024,

**ORDERED** that this appeal is **DISMISSED** without prejudice; and it is further

**ORDERED** that the Clerk of the Court is directed to **CLOSE** this matter; and it is further

**ORDERED** that the Clerk of the Court is directed to mail a copy of this order to Appellant's address on record.



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**ROBERT KIRSCH**  
**UNITED STATES DISTRICT JUDGE**